

MORGAN MELHUIISH ABRUTYN

651 W. Mt. Pleasant Avenue

Suite 200

Livingston, New Jersey 07039

Tel: (973) 994-2500

Fax: (973) 994-3375

Attorneys for Defendants, John T. McNamara and Geringer & Dolan,
LLP

Our File No.: CPL-20-590

By: Elliott Abrutyn, Esq. (EA 5466)

Shaji M. Eapen, Esq. (SE 5788)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

GIRARD MENOKEN,

Plaintiff,

v.

JOHN T. McNAMARA; JOHN J.
MURPHY, III; ROBERT J.
BARRY; GERINGER & DOLAN, LLP;
STRADLEY, RONON, STEVENS &
YOUNG, LLP; KAUFMAN & CANOLES;
NICHOLAS C. BOZZI; DELAWARE
VALLEY BUSINESS FORMS, INC;
STANDARD BUSINESS FORMS, INC.;
WORKFLOW MANAGEMENT, INC.; ABC
CORP. and XYZ, LLC,

Defendants

CIVIL ACTION

NO.1:07-CV-4610

(Hon. Jerome B. Simandle,
U.S.D.J.)

Document Electronically Filed

**CERTIFICATION OF
SHAJI M. EAPEN, ESQ.**

ORAL ARGUMENT REQUESTED

I, SHAJI M. EAPEN, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and an associate in the law firm of Morgan Melhuish Abrutyn, counsel for defendants John T. McNamara and Geringer & Dolan, LLP I make this certification on personal knowledge for the purpose of putting before the Court true copies of relevant portions of

documents that are germane to resolution of defendants John T. McNamara and Geringer & Dolan, LLP's motion to dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted, or in the alternative, a motion for summary judgment.

2. Attached hereto as Exhibits are true and complete copies of the following:

EXHIBIT A	<u>Menoken v. McNamara</u> , 213 F.R.D. 193, 194 (D.N.J. 2003)
EXHIBIT B	Plaintiff's Second Amended Complaint in <u>Menoken v. Standard Forms, Inc.</u> , Civil Action No. 1:96cv01774 (JBS)
EXHIBIT C	Excerpts from Transcript of Oral Argument before Judge Jerome B. Simandle, U.S.D.J., on June 12, 2000
EXHIBIT D	Plaintiff's June 5, 2002 Request for Case Management Conference
EXHIBIT E	March 31, 1997 letter from John T. McNamara to Eze I. Eze, Esq. (Supplemental Appendix on Appeal in Menoken I ("SA") 9-10]
EXHIBIT F	October 21, 1997 letter from John T. McNamara to Harvey C. Johnson, Esq. (SA11- 12]
EXHIBIT G	April 18, 1997 letter from John T. McNamara to Magistrate Judge Robert Kugler (SA13-15)
EXHIBIT H	September 9, 1997 letter from John T. McNamara to Magistrate Judge Robert Kugler (SA16-20)
EXHIBIT I	November 19, 1997 letter brief from John T. McNamara to the Honorable Jerome B. Simandle (SA21-24)

EXHIBIT J Plaintiff's Complaint captioned, Menoken v. McNamara, filed in the Superior Court of New Jersey, Bergen County, Docket No. BER-L-4967-02

EXHIBIT K Plaintiff's Notice of Voluntary Dismissal

EXHIBIT L Plaintiff's Notice of Motion to vacate the Court's September 26, 2002 order granting removal

EXHIBIT M Transcript of Oral Argument before Judge Jerome B. Simandle, U.S.D.J., on February 26, 2003

EXHIBIT N February 27, 2003 Decision and Order denying Plaintiff's motion to vacate the Court's Order filed September 26, 2002

EXHIBIT O Plaintiff's Notice of Appeal from the Court's Order of February 27, 2003

EXHIBIT P Menoken v. McNamara, 888 Fed.Appx. 550, 2004 WL 434168 (3rd Cir. 2004)

EXHIBIT Q Plaintiff's Notice of Motion to vacate the voluntary dismissal, filed March 7, 2005

EXHIBIT R October 28, 2005 Decision and Order denying Plaintiff's motion to vacate the October 9, 2002 voluntary dismissal

EXHIBIT S Plaintiff's Complaint, captioned Menoken v. McNamara, et al, filed in the New Jersey Superior Court, Camden County, Law Division, on August 13, 2007 ("Menoken III")

EXHIBIT T Amended Complaint in Menoken III, subsequently removed to United States District Court.

EXHIBIT U Notice of Removal to remove Menoken III to United States District Court filed on September 26, 2007 by defendants, Stradley Ronon Stevens & Young, LLP and John J. Murphy, III, Esq.

EXHIBIT V Defendants, John McNamara, Esq. and Geringer
& Dolan, LLP's Consent to Removal

EXHIBIT W October 1, 2007 Order by the Clerk of the
Court granting defendants, John McNamara,
Esq. and Geringer & Dolan, LLP's Application
for Clerk Order to Extend Time to Respond to
Complaint

I hereby certify that the foregoing statements made by me
are true. I am aware that if any of the foregoing statements
made by me are willfully false, I am subject to punishment.

By: s/ Shaji M. Eapen
SHAJI M. EAPEN (SE 5788)

Dated: October 18, 2007